

PATENT

PCT



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Davies et al.

Serial No.: 10/557,537

Case No. 21422P

Filed: 6/1/2004

For: FORMULATIONS FOR TYROSINE KINASE INHIBITORS

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Notification of Insufficient Fees (DO/EO/US)

Sir:

This letter is in response to the Notification of Insufficient Fees dated November 28, 2006. Please be advised that authorization to charge Merck's' Deposit Account (Account # 13-2755) for any additional fees that may have been required on the above referenced case was given in box C of Form DO-EO-US dated November 21, 2005. A duplicate copy of this form is enclosed. Nevertheless, please pay the necessary Search and Examination fees by charging deposit account 13-2755.

If there are any fees associated with this request please charge deposit account 13-2755.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

Christine M. Don Date 12/19/06

Respectfully submitted,

By 

Sylvia A. Ayler, Reg. No. 36,436

Attorney for Applicants

MERCK &amp; CO., INC.

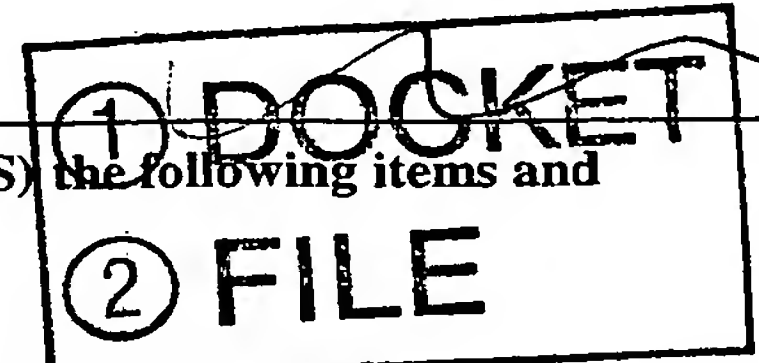
P.O. Box 2000

Rahway, New Jersey 07065-0907

(732) 594-4909

Date: December 19, 2006

<b>U. S. PATENT AND TRADEMARK OFFICE U.S. DEPARTMENT OF COMMERCE</b>  <b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 21422P
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>DOCKETED</b> NOV 23 2005 CHRISTINE A CUFF
INTERNATIONAL APPLICATION NO. PCT/US04/017357	INTERNATIONAL FILING DATE 01-June-2004 (01.06.04)	PRIORITY DATE CLAIMED 06-June-2003 (05.06.2003)
TITLE OF INVENTION SUBSTITUTED INDOLES AND A PROCESS FOR PREPARING SUBSTITUTED INDOLES		
APPLICANT(S) FOR DO/EO/US Ian W. Davies, Jacqueline H. Smitrovic and Chuanxing Qu		
<b>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</b>		
<div><div><div>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</div><div>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</div><div>3. <input type="checkbox"/> This is an express request to begin national examination procedures [35 U.S.C. 371(f)]. The submission must include items (5), (6), (9) and (21) indicated below.</div><div>4. <input checked="" type="checkbox"/> The US has been elected (PCT Article 31).</div><div>5. <input checked="" type="checkbox"/> A copy of the International Application as filed [35 U.S.C. 371(c)(2)]<div>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</div><div>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</div><div>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</div></div><div>6. <input type="checkbox"/> An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].<div>a. <input type="checkbox"/> is attached hereto</div><div>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</div></div><div>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)].<div>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</div><div>b. <input type="checkbox"/> have been communicated by the International Bureau.</div><div>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</div><div>d. <input checked="" type="checkbox"/> have not been made and will not be made.</div></div><div>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].</div><div>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].</div><div>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].</div></div><div><b>Items 11 to 20 below concern other document(s) or information included:</b><div>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</div><div>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</div><div>13. <input checked="" type="checkbox"/> A preliminary amendment.</div><div>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</div><div>15. <input type="checkbox"/> A substitute specification.</div><div>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</div><div>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</div><div>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C.154(d)(4).</div><div>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C.154(d)(4).</div><div>20. <input type="checkbox"/> Other items or information:</div></div></div>		



**Page 1A of TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING  
A FILING UNDER 35 U.S.C. 371**

**Serial No.** To be Assigned  
**Case Docket No.:** 21422P  
**International Filing Date:** PCT/US2004/017357  
**Priority Date:** June 5, 2005  
**Title:** SUBSTITUTED INDOLES AND A PROCESS FOR  
PREPARING SUBSTITUTED INDOLES

**Inventors:** Ian W. Davies, Jacqueline H. Smitrovic and Chuanxing Qu

**EXPRESS MAIL CERTIFICATE**

**DATE OF DEPOSIT** 11/21/2005

**EXPRESS MAIL NO.** EV 660612580 US

**I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS  
EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE  
DATE IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR  
PATENTS P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450.**

**MAILED BY**

Kathleen Kleitkowski

**DATE**

11-21-05

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/US04/017357		ATTORNEY'S DOCKET NUMBER 21422P	
The following fees are submitted:				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee.....\$300				\$300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 All other situations.....\$200					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 Search fee [37 CFR 1.445(a)(2)] has been paid on the international application to the USPTO as an International Searching Authority.....\$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....\$400 All other situations.....\$500					
TOTAL OF 21, 22 and 23=				\$300.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
31 - 100 =	0 /50	0 = 0	X \$250.00	\$0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 CFR 1.492(e)].					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	19 - 20 =	0	X \$50.00	\$0.00	
Independent Claims	5 - 3 =	2	X \$200.00	\$400.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00		
TOTAL OF ABOVE CALCULATIONS (SUBTOTAL) =				\$700.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	
TOTAL NATIONAL FEE =				\$700.00	
Fee for recording the enclosed assignment [37 CFR 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				+	
TOTAL FEES ENCLOSED =				\$700.00	
				Amount to be refunded:	
				Amount to be charged:	
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 13-2755 in the amount of \$700.00 to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to the Deposit Account No. 13-2755. A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Customer No. 000210					
MERCK & CO., INC. Patent Department, RY60-30 P.O. Box 2000 126 East Lincoln Avenue Rahway, New Jersey 07065-0970					
DATE: November 21, 2005					
PHONE #: (732) 594-4909					
				SIGNATURE	
				Sylvia A. Ayler	
				NAME	
				36,436	
				REGISTRATION NUMBER	